

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**LAWRENCE KEITH McNEILL,** §  
Petitioner, §  
V. § C.A. NO. C-07-402  
§  
**WARDEN OSCAR MENDOZA,** §  
Respondent. §

**MEMORANDUM OPINION AND ORDER OF TRANSFER**

This is a habeas action filed by a state prisoner incarcerated at the McConnell Unit in Beeville, Texas (D.E. 1). Petitioner states that he was convicted of aggravated assault on a public servant and sentenced on November 3, 2003, in the 54th Judicial District Court in McLennan County, Texas (*Id.*).

A habeas action may be filed either in the district where petitioner is in custody or in the district in which petitioner was convicted. 28 U.S.C. § 2241(d); Wadsworth v. Johnson, 235 F.3d 959 (5th Cir. 2000). Petitioner's place of incarceration is in the Corpus Christi Division of the Southern District of Texas, 28 U.S.C. § 124(b)(6), and he was convicted by a court located in the Waco Division of the Western District of Texas. 28 U.S.C. § 124(d)(2).

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought. 28 U.S.C. §§ 1404(a) and 1406(a). Because petitioner was convicted in McLennan County, it is more convenient for this action to be handled in the Waco Division of the

Western District of Texas. The records of his conviction, the prosecutor and defense lawyer, and the witnesses are all located in the Waco Division of the Western District of Texas.

Accordingly, it is ordered that the Clerk of the Court TRANSFER this action to the United States District Court for the Western District of Texas, Waco Division. All pending motions are denied without prejudice, subject to re-urging after this action is transferred.

ORDERED this 18<sup>th</sup> day of October, 2007.



B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE